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Attorneys for the State of Wyoming

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CITIZENS FOR CLEAN ENERGY,
ECOCHEYENNE, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, CENTER FOR BIOLOGICAL
DIVERSITY, DEFENDERS OF
WILDLIFE, SIERRA CLUB, and
WILDEARTH GUARDIANS,

Plaintiffs,
and

THE NORTHERN CHEYENNE TRIBE,

Plaintiff,

Case No. 4:17-cv-00030-BMM

**STATE OF WYOMING'S
ANSWER**

v.

U.S. DEPARTMENT OF THE
INTERIOR; U.S. SECRETARY OF THE
INTERIOR; and U.S. BUREAU OF
LAND MANAGEMENT,

Defendants,

STATE OF WYOMING,

Intervenor-Defendant.

Pursuant to this Court's Order (Dkt. No. 30), the State of Wyoming submits this Answer to the Complaint filed by Plaintiffs and asserts the State's affirmative defenses as follows:

1. Wyoming admits the allegations in the following: the first and fifth sentences of Paragraph 2; Paragraph 9; Paragraph 10; Paragraphs 22 through 24; and the first sentence of Paragraph 32.
2. Wyoming denies the allegations in the following: the second, third, and fourth sentences of Paragraph 2; Paragraph 3; the first sentence of Paragraph 4; the second sentence of Paragraph 5; Paragraph 6; the first sentence of Paragraph 37; the third and fourth sentences of Paragraph 40; the first sentence of Paragraph 42; Paragraphs 43 and 44; Paragraphs 61 and 62; Paragraphs 64 through 66; Paragraph 68; Paragraph 70; and Paragraph 71.

3. The allegations in the following purport to characterize Plaintiffs' case or are conclusions of law: Paragraph 1; Paragraphs 7 and 8; the first sentence of Paragraph 39; Paragraphs 58 and 59; Paragraph 63; and Paragraph 69. Accordingly, no response is required. To the extent a response is required, Wyoming denies the allegations.
4. The allegations in the following purport to characterize a document or the contents of a document that speaks for itself and is therefore the best evidence of its contents: the second sentence of Paragraph 4; the first sentence of Paragraph 5; Paragraphs 25 through 31; the second sentence of Paragraph 32; Paragraphs 33 through 36; the second, third, fourth, and fifth sentences of Paragraph 37; the first and second sentences of Paragraph 38; the second sentence of Paragraph 39; the first and second sentences of Paragraph 40; the second and fourth sentences of Paragraph 41; the second sentence of Paragraph 42; Paragraphs 45 through 56; and the first sentence of Paragraph 57. Accordingly, no response is required. To the extent a response is required, Wyoming denies the allegations.
5. The allegations in the third sentence of Paragraph 38 and in the first and third sentences in Paragraph 41 are vague and ambiguous. Accordingly, no response is required. To the extent that a response is required, Wyoming denies the allegations.

6. Wyoming is without knowledge or information sufficient to form a belief as to the truth of the allegations in the following: Paragraphs 11 through 21; the third sentence in Paragraph 39; and in the second sentence of Paragraph 57. Accordingly, no response is required. To the extent a response is required, Wyoming denies the allegations.

7. The allegations in Paragraphs 60 and 67 merely incorporate by reference previously-stated allegations, therefore no response is required. To the extent a response is required, Wyoming denies the allegations.

AFFIRMATIVE DEFENSES

1. Plaintiffs failed to state a claim upon which relief can be granted.
2. Wyoming reserves the right to identify additional defenses.

DATED this 13th day of July, 2017.

/s/ David C. Dalthrop

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